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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland and Venezuela: draft resolution

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution,

Reiterating the importance of the Declaration and stressing the importance of its wide dissemination,

Recalling all previous resolutions on this subject, in particular its resolution 57/209 of 18 December 2002, and Commission on Human Rights resolution 2003/64 of 24 April 2003,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

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Gravely concerned by the human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned by the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders, particularly those active at the local and community levels, and the particular consequences for women human rights defenders and defenders of rights of persons belonging to minorities,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on the work and safety of human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity,

Recalling that under the International Covenant on Civil and Political Rights[1] certain rights are recognized as non-derogable, and emphasizing that derogation from other rights and freedoms can take place only under strict observance of the agreed conditions and procedures identified under article 4 of the Covenant,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Welcoming the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to

[1] See resolution 2200 A (XXI), annex.

Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders[2] and her contribution to the effective promotion of the Declaration and improvement of the protection of human rights defenders worldwide;

3. *Encourages* all States to ensure and maintain an environment conducive to the work of human rights defenders;

4. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

5. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and national levels;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, particularly international human rights law, and do not hinder the work and safety of human rights defenders;

7. *Emphasizes* the importance of combating impunity, and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

8. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information in the fulfilment of her mandate upon request;

9. *Calls upon* Governments to give serious consideration to responding favourably to the Special Representative's requests to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to her recommendations, so as to enable her to fulfil her mandate even more effectively;

10. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

11. *Invites* Governments to consider translating the Declaration into national languages, and encourages them to disseminate it widely;

12. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

13. *Invites* relevant United Nations bodies, including at the country level, within their mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests the Office of the United Nations High Commissioner for Human Rights to

[2] E/CN.4/2001/94, A/56/341, E/CN.4/2002/106 and Add.1 and 2 and A/57/182.

draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

14. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

15. *Decides* to consider this question at its fifty-ninth session, under the item entitled "Human rights questions".